

**REPORT OF THE MARYLAND STATE BAR ASSOCIATION
DISASTER PLANNING TASK FORCE
TO THE BOARD OF GOVERNORS
March 20, 2007**

In an effort to help Maryland lawyers prepare for a disaster before it strikes, Maryland State Bar Association President, Edward J. Gilliss, has made disaster planning one of the priorities during his bar year. Mr. Gilliss charged the Task Force he formed to develop a model plan for Maryland lawyers and law firms to adopt in order to recover from the effects of a disaster. The Task Force was also asked to survey local and specialty bar associations to determine the extent to which those associations may be able to lend assistance to each other and their members in the even of a disaster. In order to provide a context for its work, the Task Force has referred in several section of this report to the lessons learned from Hurricane Katrina, which struck the Gulf Coast on August 29, 2005.

The Risks of Disaster in Maryland

According to the Maryland Emergency Management Agency ("MEMA"), the state's geographic diversity places it at risk for a variety of natural disasters. MEMA's list includes hurricanes, earthquakes, winters storms, fires and even tsunamis. The state's emergency response agency also urges citizen and local government preparedness for technological disasters (chemical, nuclear and radiological events), disasters that result from terrorism and civil disturbances. The National Center For Critical Incident Analysis (www.criticalincident.org) has also identified the potential influenza pandemic as a risk requiring governmental and private sector disaster planning. The growing intensity of hurricanes and the state's proximity to Washington, D.C. pose different but substantial risks in these post-Katrina, post September 11 years. As Michael Greenberger, Director of the University of Maryland Center for Health told the Maryland Bar Journal, "There hasn't been enough focus on individual preparedness." *Are You Ready? Disaster Planning - It Can Happen To You!*, Eveleth, J., MD. *BAR JOURNAL*, Vol. XXXIX, No. 6 (November/December 2006).

The Task Force considered two types of disasters - those that fit a geographic area and those that specifically affect a lawyer or law firm. Fire and water damage are the most common occurrences which can seriously disrupt a lawyer's day to day practice. Although those events are not common, they are more likely to happen than a terrorist attack.

The Experience of Other State Bar Associations

In the course of its work, the Task Force obtained and reviewed state plans and other materials from the New Jersey State Bar Association, the State Bar of Texas. The New York Tennessee, Alabama and Texas bar associations publish disaster response plans on their websites. Numerous bar associations have implemented disaster hotlines to aid the public following catastrophic events. By way of example, the New Jersey State Bar Association and

Foundation established a Mass Disaster Response program in 1995 following the Edison pipeline explosion. The response program and its toll-free hotline were reactivated in September 2001 to assist victims and family members following the World Trade Center disaster. In June 2006, NJSBA President Wayne Positan formed a statewide task force of lawyers to develop a model disaster plan/checklist. A copy of that preparedness checklist is attached as Exhibit 1. The ABA Division for Bar Services has provided an excellent guide at www.abanet.org/barserv/disaster/response_plans.html, which is designed to assist bar associations in developing an emergency preparedness plan.

Disaster Preparedness and Recovery

In November 2002, the Maryland State Bar Association's Solo and Small Firm Conference devoted an entire workshop to disaster planning for lawyers. Since that time, there has been increasing emphasis on the importance of having a written plan in place; yet, few lawyers take the time to develop one. For those law firms who wish to mitigate the expense and disruption an emergency can cause, one of the best planning tools is the October 1993 guide available on the Federal Emergency Management Agency's website at www.fema.gov/business/guide/index.shtml, and entitled "Emergency Management Guide for Business and Industry: A Step by Step Approach to Emergency Planning, Response and Recovery for Companies of All Sizes," FEMA 141/October 1993 ("FEMA Guide").

One of the events which led to the development of the FEMA Guide occurred on February 26, 1993, and is mentioned in its Introduction - "A bombing in the World Trade Center results in six deaths, hundreds of injuries and the evacuation of 40,000 people." FEMA Guide, p.5. However, the FEMA Guide does not use the term "disaster" in the document because "it lends itself to a preconceived notion of a large-scale event, usually a 'natural disaster'...What might constitute a nuisance to a large industrial facility could be a 'disaster' to a small business." *Id.* at 6. Instead, the FEMA Guide refers throughout to an "emergency."

FEMA identifies four (4) main steps in the planning process: establish a planning team; analyze capabilities and hazards; develop the plan; and implement the plan. Because the size and make-up of the planning team will be determined by the size of the law firm, this section of the report will focus on the last three steps. Analyzing capabilities and hazards entails gathering information and documents about your insurance coverage and contacts, your landlord's emergency response plan, your employees' current home addresses and phone numbers (including cell phone numbers), and an inventory of your property with photographs. FEMA also recommends that each business conduct a vulnerability assessment of your office or facility in order to estimate the probability and potential impact of each emergency (e.g. fire, telecommunications failure, computer system failure).

The third step is to develop a written emergency management plan. FEMA recommends that plans also identify and address the needs of disabled persons and non-English speaking personnel. The last step in the FEMA approach is to implement the plan, which means making employees aware of the plan, testing the effectiveness of the plan and periodically updating the plan.

A written emergency or disaster plan should also include the following:

a. Checking your letterhead and engagement agreements to make sure your clients have your cell phone number and website address. According to Glenn McGovern, a New Orleans attorney who survived the destruction of his law office, a "good website is a valuable tool in retaining clients and obtaining new business during disasters."¹

b. Identify a safe and distant location to store insurance papers and copy the information to your laptop.

c. Back-up your computer files onto CDs (including client and matter-specific files, accounting files, accounts payable and accounts receivable files) and store the CDs in a safe and distant location.

d. Safeguard and store important documents such as executed wills and licenses and disks of original computer software in the event software needs to be re-installed on new computers.

e. Routinely evaluate insurance policies and coverage. According to Glenn McGovern, all business interruption insurance is not the same and in the event of a major disaster, "he who files first and fights the hardest gets paid first." *Surviving Destruction* at p. 813.

f. McGovern also recommends that you have a financial reserve set aside to remain in business until the insurance claims are paid.

The Task Force has prepared a disaster response and recovery checklist, which is attached to this report as Exhibit 2. As noted below, the Task Force recommends that the MSBA post the checklists on its website.

The Maryland Judiciary's Continuity of Operation and Government Planning Initiative

No assessment of the potential effects of a disaster on lawyers and law firms would be complete without addressing the readiness of the Maryland court system to respond to critical incidents and catastrophic events. Over 1,500 federal court employees in eight districts and the Fifth Circuit Court of Appeals were affected by Katrina. *Courts Regroup After Katrina, The Third Branch, Vol. 37, Number 10- October 2005*. Of course, state courts, their employees and the lawyers who practice in those courts were similarly affected. On September 6, 2005, the Supreme Court of Mississippi issued an Emergency Administrative Order extending appellate court deadlines falling on or after August 29, 2005, through October 31, 2005, by ninety (90) days from the due dates set by rules, Clerk's notices and orders. Although the trial courts were authorized to extend deadlines and reschedule hearings

¹ See "Surviving Total Destruction Of Your Law Office And Client Base After A Catastrophic Disaster", G. McGovern, Tort Trial /Insurance Practice Law Journal, Spring 2003 (41:3)

and trials, the Mississippi Supreme Court's order noted that the court was without authority to extend statutes of limitations.

Following Katrina when many Louisiana and other Gulf Coast lawyers were displaced, the Texas Supreme Court entered an order allowing attorneys from Louisiana Mississippi and Alabama who were temporarily located in Texas to practice law as though they were in their home states until May 31, 2006 if they had registered with the State Bar of Texas by November 7, 2005. Following its receipt of recommendations from the Maryland State Bar Association and the Court's Standing Committee on Rules, the Court of Appeals issued an order on September 29, 2005, that permitted lawyers displaced by Katrina to continue to practice while temporarily residing in Maryland.

On behalf of the Judiciary, the Administrative Office of the Courts has entered into an agreement with the Center for Health and Homeland Security at the University of Maryland to develop continuity of operation (COOP) and related emergency preparedness plans both at the state administrative level and within all appellate and trial courts.

These plans will be designed to provide operations capability within 12 hours of an emergency event and sustain operations for at least 14 days. Further these plans will be coordinated with and integrated into existing state and local emergency plans.

Specifically, these plans will be designed to:

1. Ensure the continuous performance of a court's essential functions and operations during an emergency;
2. Protect essential facilities, equipment, records and other assets;
3. Reduce or mitigate disruptions to operations;
4. Reduce loss of life, minimize damages and losses;
5. identify and designate principals and essential court staff;
6. facilitate decision-making for execution of these plans and the subsequent conduct of operations; and
7. Achieve a timely and orderly recovery from the emergency and resumption of full service to all customers.

Upon completion of this development, the Administrative Office of the Courts in collaboration with the Center will proceed with individual plan implementation through training, testing and exercises.

The Survey of Local and Specialty Bar Associations

In order to assess the ability and willingness of local and specialty bar associations to lend assistance in the event of a disaster the Task Force prepared a survey which was distributed at the MSBA's Local and Specialty Bar Presidents Conference held in Ocean City, Maryland, on October 19, 2006.

Recognizing that most local and specialty bar groups do not have executive directors or administrators, the survey primarily focused on the assistance association members were likely to provide lawyers in areas struck by a disaster. Discussions with executive directors of larger local bar associations revealed a willingness to help, but also a concern regarding the realities of limited office space and staff resources.

Representatives of eight (8) bar associations participated in the survey. The survey and a tabulation of the results are attached to this report as Exhibit 3. Several respondents emphasized the critical role that the MSBA can play in providing web-based resource information and coordinating efforts when a local legal community is disrupted by a disaster. Of course, if disaster were ever to affect Baltimore City, the MSBA itself may be forced to temporarily relocate. The MSBA has adopted a Disaster Preparedness and Response Policy and a Disaster Preparedness Management Plan, both of which address critical incident situations. The Policy refers to the possibility of a critical incident affecting the area of the University of Maryland/VA Medical Center, which event may require evacuation according to Baltimore City's emergency preparedness and security plan.

One respondent to the survey identified a concern that lawyers must remain aware of their ethical responsibilities in disaster response situations. In a follow-up interview, the survey respondent stated that there may be a tendency following a disaster for a lawyer to assume responsibilities in legal areas which are beyond her or his expertise. In those situations, there is a risk of violating Rule 1.1 of the Maryland Lawyers' Rules of Professional Conduct, which rule relates to competence.

Bar President Gilliss has conceived of a statewide compact of local bar associations, similar to ones being discussed by some state associations with their neighbors. The Task Force recommends that such an understanding will serve as an excellent tool to make lawyers more aware of the need for individual planning. As mentioned below, the Task Force believes that the MSBA is uniquely positioned to serve as the coordinating center when disasters affect a geographic area. Although the specific planning of such a coordinating role should be left to the MSBA's executive director, the in-house Critical Incident Management Team he has established would be an excellent resource in activating an emergency response. Attached to this report as Exhibit 4 is a proposed memorandum of understanding for the consideration and approval of the Board.

Summary of Recommendations

The Task Force makes the following six recommendations:

1. The Task Force recommends that the Board of Governors adopt a policy which will permit the Executive Director, after consultation with the President, to promptly implement a disaster response and recovery plan which would aid lawyers and local bar associations in areas of the state affected by a disaster or critical incident.
2. The Task Force recommends that the Board of Governors approve of the Association's participation in a memorandum of understanding with local bar associations, similar to the document appended to this report as Exhibit 4.
3. The Task Force recommends that the Association post on its website the disaster preparedness and recovery checklists appended to this report as Exhibit 1 and 2. Additionally, the MSBA's website should contain a table of reference and resource materials similar to the one attached to this report as Exhibit 5.
4. The Task Force recommends that the Association's Program Committee sponsor a program on disaster planning for law firms at the next Annual Meeting in June 2007.
5. The Task Force recommends that MSBA President Gilliss submit a request to Chief Judge Robert M. Bell to permit at least one representative of the Association to participate as a liaison to the Judiciary's COOP Initiative.
6. Finally, the Task Force recommends that the Association's Young Lawyer Section update its disaster response plan to provide volunteer legal assistance to members of the public affected by disaster and furnish copies of its written plan to the Pro Bono Resource Center of Maryland, Inc., the Maryland Volunteer Lawyers Service, the Legal Aid Bureau of Maryland and the Administrative Office of the Courts.

Respectively submitted,

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Model Disaster Planning Checklist¹

The basic checklist below is intended to assist Maryland attorneys prepare a disaster plan.

WHAT TO DO NOW

1. **Form a disaster team, consisting of those individuals who will be take charge in the event of a disaster. Designate one person to be in command in the event of a disaster and designate an alternate. Determine what each person on the disaster team will be responsible for -- i.e., section of a building, department, contacting staff, contacting clients, recovering documents, etc.**
2. **Evaluate potential hazards and minimize risk. Evaluate the potential hazards for which you are at risk, such as fire, terrorism, inclement weather, energy/power interruption, or other natural disasters, such as hurricane, flood or earthquake. Take steps to minimize damage associated with such disasters, such as purchasing fire and water proof filing cabinets, ensuring there are alternative power sources or at least flashlights or other battery-powered necessities available, etc. Also examine your office space, building and grounds and address any foundation cracks, electrical hazards, roof leaks, plumbing problems, etc. Finally, conduct a fire safety evaluation, make sure all sprinkler and alarm systems are working properly and all important documents are in fireproof cabinets. Conduct these evaluations at least annually.**
3. **Identify potential consequences of a disaster and work to address them. In addition to personal injury and safety issues, you need to plan for business interruption/economic issues as a result of any disaster. Think about how long you can sustain your practice in light of each potential disaster, what are the consequences of a potential loss of client base, how difficult would it be to move your office, temporarily or permanently. If possible, you should make arrangements for alternative work space in advance of actually needing it (see #4 below). Make sure enough funding is accessible to sustain your business for a particular period of time, including enough petty cash in case banks are temporarily inaccessible.**
4. **Establish potential alternate work locations. Think about where an alternate work location should be established -- in another county or region of the state, or perhaps even out of state. Establish a plan to let employees know where the alternate work location is and how and when they are expected to report there. Determine in advance if the designated alternate work locations can be made permanent if necessary. If the alternate location is only temporary, determine in advance what the limitations are -- how long can you stay, what is the cost, etc.**

¹ This checklist was developed by reviewing several checklists included in Volume IV, The Essential Formbook, Comprehensive Management Tools for Lawyers; Disaster Planning and Recovery, Risk Management and professional Liability Insurance, ABA Law Practice Management Section (©2004). This Checklist was developed by the New Jersey State Bar Association and it is used here with that Association's express permission.

5. **Review all of your insurance policies.** Make sure "acts of God" are covered and the amount of insurance coverage is adequate to meet your needs in the event of a worst case scenario.
6. **Create an Inventory List of all Office Supplies and other Valuables.** Photograph, videotape or computer scan as necessary. Store copies of all lists, photos, videos, etc. off-site.
7. **Protect your data.** Establish a back-up routine to back-up all computer files on a regular basis. Determine what should be backed up and how long it should be maintained. Store the back-up files off-site and establish a procedure for obtaining them in case of an emergency.
8. **Prepare staff contact lists in case of emergency, including cell phone numbers and pager numbers.** Distribute to all staff.
9. **Develop evacuation routes.** Distribute to all staff and post in appropriate places around your building.
10. **Prepare an emergency equipment list, including locations of equipment and attaching floor plans, as well as emergency kits.** The list should include the location of such things as utility cut-off switches and fire extinguishers. Each emergency kit should include supplies like flashlights, batteries, battery-operated radios, tool kits, portable fans, rubber boots, gloves, etc. The kits should be checked periodically to ensure everything is working properly.
11. **Prepare a formal Disaster Plan Document (a sample is attached), detailing all of the information needed in case of a disaster.** Keep adequate copies of the plan on-site, as well as at least one copy off-site.
12. **Advise all staff of disaster preparedness plans.**
13. **Schedule routine meetings of the disaster team to monitor and update disaster planning activities as necessary.**

Sample Disaster Plan Document

(1) Disaster Team

Name	Office Phone Number	Home Phone Number	Cell Phone Number	Pager	Area of Responsibility
Person in					

Command:					
Alternate in Command:					

(2) **Evacuation Plan**

Attach a copy of plan and a list of all staff to be accounted for.

Person in charge of evacuation: _____

Warning System: _____

Assembly Site : _____

Alternate Site: _____

(3) **Known Persons in Need of Special Assistance**

Name of Person	Location	Type of Assistance Required	Person Responsible for Providing

(4) **Alternative Work Location:**

(5) **List of Critical Functions (in order of importance)**

Function	Timeframe for Restoration	Alternatives Until Restored	Responsible Person

(6) Crucial Contacts

Vendor	Service Provided	Contact Person and Info

(7) Critical Documents

Document	Location	Location of Copies	Issuing Organization/Contact	Retrieved Yes/No
Incorporation Papers				
Contracts				
Partnership Agreements				
Stocks/Bonds				
Insurance Policies				
Bank Account Info				
Accounting Records				
Computer Back-Ups				
Equipment Inventory				
Deeds				
Leases				
Wills				
Client Lists				
Client Records				

(8) Access to Restricted Areas

Area	Person with Access/ Location of Access Info	Contact Info

(9) Services Needed in Emergency

Service	Contact Info
In-House Security	

Fire	
Police	
Poison Control	
Ambulance	
Insurance Company	
Computer Recovery Service	
Document Recovery Service	
Electrician	
Plumber	
Carpenter	
Exterminator	
Fumigation Service	
Locksmith	
Utility Companies	
Electric	
Gas	
Telephone	
Water	
Website Coordinator	
Other:	

(10) Insurance Information

Policy Type	Policy Number	Agent	Contact Info

(11) Contacting Staff

Location of Telephone Tree: _____

Emergency Website: _____

Person Responsible for Updating: _____

(12) Media Relations

Designated Spokesperson: _____

(13) Other:

MARYLAND STATE BAR ASSOCIATION
DISASTER RESPONSE AND RECOVERY CHECK LIST

Damage Assessment

1. Secure and stabilize the situation
 - a. Turn off the utilities
 - b. Pump out standing water
 - c. Replace doors and windows; install barriers to keep unauthorized persons out
 - d. If possible reactivate alarm system
2. Evaluate damage to equipment, critical documents and client files
 - a. Begin recovery process immediately
 - b. Determine salvageable items
3. Photograph the damage
4. Contact your insurer
5. Contact building owner/management
 - a. Determine steps to limit damage
 - b. Get approval to begin salvage operations
6. Contact E&O carrier to inform of disaster; degree of damage and potential impact on client services
7. Contact local emergency operations centers
 - a. Register claims for relief for business continuation

Recovery Site

1. Locate a temporary recovery site/office
 - a. Secure critical equipment and systems
 - b. Re-established services
2. Obtain basic office supplies

Communication

1. Contact all firm personnel to inform them of the firm's status (degree of damage, when and where the recovery office will be located, and when to meet and begin recovery efforts)
2. Get the firm's client list and opposing counsel information. If this information is not available, recreate this information:
 - a. Write down the names of all of the clients you can remember

EXHIBIT 2

- b. Have your staff write down the names of all of the clients they can remember
 - c. Log phone calls from clients and add them to the list
 - d. Look at ABA, state and local bar sites for attorney-client message boards
 - e. Place ads in local newspapers letting the public know where your office's contact information
 - f. Place ads on local radio stations re: contact information
 - g. Provide contact information on your firm's web site.
 - h. Access recent e-mail from your ISP
 - i. If possible access the ABA, MSBA and local bar web sites to determine the status and new location of the courts in your jurisdiction
3. As client information becomes available, communicate with Clients, Courts and Other Counsel. Inform all parties of the incident, the degree of damage, its impact on operations; provide contact information and the address of the recovery site and/or temporary office.
4. Retrieve the firm's docket and calendar information. If the information is not accessible, recreate the list by using some or all of the following tips:
- a. Start a fresh calendar, filling in important dates as they become known.
 - b. Obtain copies of correspondence from clients to find deadlines and dates
 - c. If available, review court dockets
 - d. Obtain dates from opposing counsel
 - e. If your ISP provider maintains e-mails for a specific period of time, get access to those to find dates and deadlines
5. Upon retrieval and review of the firm's docket and calendar information . . .
- a. Contact courts and other counsel to reschedule meetings, hearings, court appearances if needed
 - b. Give clients a status report of any immediate critical dates/deadlines for meetings, hearings, etc. and whether those will go forward or be postponed.
 - c. Assure clients of the firm's ability to be up and operational quickly.
6. After alternative work space has been secured . . .
- a. Provide clients, courts and other counsel new contact information and temporary office location
 - b. Contact mail and courier services to re-direct mail to the temporary office location
 - c. Contact vendors with new contact and temporary office location
7. Contact your webmaster to set up a disaster status page and direct clients to your site for updated information

Office Space/ Furnishings

1. Clean and disinfect your office, equipment, and furnishings before moving back in, including: floors, walls, ceilings, carpets, furniture, equipment, draperies or blinds, and records housing
- a. All traces of moisture, soot, smoke damage, chemical residue and odor must be removed.
 - b. Damaged file housing, retrieval equipment and computers must be repaired or

replaced.

- c. Prepare new hard copy file folders and sort documents to re-file.
2. If your office may not be salvageable, immediately identify alternative work locations
 - a. Additional space in current office building
 - b. Call local realtor to find office space.
 - c. Share space with others temporarily (lawyers, accountants, hotels)
 - d. Check ABA, MSBA, and local bar association websites for office space postings
3. Obtain (rent, borrow or purchase) furnishings (desks, chairs, lamps, filing cabinets, bookshelves)
4. Consider professional business continuity firms for space and furnishings

IT Recovery

1. To provide the best chance of recovery of hard drives and removable media, follow these tips:
 - a. Never assume that data is unrecoverable, no matter what it has been through;
 - b. Do not attempt to power up visibly damaged devices;
 - c. Do not shake, disassemble or attempt to clean any hard drive or server that has been damaged;
 - d. Do not use common software utility programs on broken or water-damaged devices;
 - e. When preparing devices to be sent to the manufacturer or to a recovery service:
 - Package them in a box that has sufficient room for the device and packaging;
 - Place wet media in a container that will keep the shipping packaging from getting wet;
 - Ship multiple devices separately
2. Refer to the firm's "process plan" to begin to reconstruct the system
3. Acquire additional server(s) with enough capacity to run your applications
 - a. Back-up servers at a geographically separate location (mirror data centers/servers)
 - b. Personnel available and mobile to install and manage server operations at a remote site
 - c. Back-ups of server configurations
 - d. Data and application changes backed up
4. Obtain network map to begin reconstructing the network
5. Acquire desktop computers and printers

Insurance

1. Review business insurance, computer equipment, valuable papers policy language; talk with representative about coverage. Specifically discuss:
 - a. Loss of income/extra expense and business interruption coverage

- b. Discuss how to record and submit expense information for reimbursement
- c. Understand how "loss of income" coverage is calculated

2. Set up disaster account codes to distinguish disaster purchases and expenses from normal operating expenses. Include such expenses as overtime, special supplies/materials, and temporary personnel.

Financial Matters

1. Contact banks to request replacement checks and deposit books; copies of prior bank statements and other records, if needed.
2. Determine any short-term cash flow needs that might be needed and discuss/arrange with insurance company/bank. Sources for short-term financial assistance:
 - a. Short-term, unsecured loans (FDIC urging banks to provide)
 - b. SBA
 - c. FEMA
 - d. Disaster unemployment assistance
 - e. Disaster Relief Funds
3. Recover trust account transactions from:
 - a. Bank's copies of checks and deposit slips and bank statements
 - b. Individual client ledger transactions records
 - c. Client's checking account transactions
 - d. Bank tracking deposited checks back to the account from which they were withdrawn to identify the client/matter
4. Be sure your payroll service will not be interrupted and that the service has your temporary address for the delivery of checks

Office Operations

1. Telephone
 - a. Use cell phones for communication until temporary service is obtained
 - b. Arrange temporary service with local telephone company at temporary location
 - c. Arrange to have phone calls forwarded to new number; or
 - d. Arrange for a telephone answering service with a prepared message to answer the old number until new system is in place.
 - e. Arrange for fax and internet use.
2. Mail/Courier Services (www.usps.com)
 - a. If disaster is widespread, affecting postal service as well, check to see that anything mailed with a required deadline was/is received on time.
 - b. Notify other courts and counsel of damage to postal service and obtain an extension of deadlines due to circumstances
 - c. Contact postal office and courier services of new, temporary address.
3. Equipment

- a. Contact equipment vendors re: existing leases/contracts and your/their performance obligations under the terms of lease or contract.
- b. Types of replacement equipment needed:
 - Computers
 - Printers
 - Fax machine
 - Copier
 - Dictation equipment
 - Typewriters
 - Computer network
 - Portable computers
 - Hand-held devices
 - Cell phones
- c. Identify portable computers/home computers that might be pulled back from home use during recovery period.

4. Office Supplies

- a. Contact supply vendor to obtain office supplies
- b. Contact printer to print stationery, business cards, etc.
- c. Contact forms vendors (billing forms, other forms)

5. Recover Client Documents - If documents/files have been lost with no hope of recovery:

- a. Opposing counsel/clients/Secty of State's office/Registrar's office can assist with copies and reconstruction of events, dates, deadlines.
- b. Forensics experts may be willing to donate time to help retrieve e-documents from damaged hard drives.
- c. ISP provider may have e-documents that were recently e-mailed to opposing counsel or clients.

6. Assess Damage to Documents

- a. Extent of damage
- b. Recovery – internally or will recovery services be required?
- c. Cost benefit of recovery
- d. What stabilization techniques are going to be necessary?
- e. What and how much personnel will be required to recover and restore documents?

7. Client-Related Documents to recover:

- a. Original Wills
- b. Agreements
- c. Settlements
- d. Corporate records
- e. Docket and calendar records
- f. Pleading files and court papers
- g. Current address of client's counsel and contacts
- h. Correspondence

8. Recover Firm Documents

Miscellaneous

1. Provide counseling needs that may occur at the time of the disaster and during the process of recovery
2. Evaluate post-disaster staffing needs

TABULATION OF RESULTS
MARYLAND STATE BAR ASSOCIATION
November 27, 2006

Disaster Plan Survey - October 19, 2006

The MSBA has assembled a task force to consider disaster planning for Maryland lawyers and their firms. In addition to preparing an internal disaster plan for implementation by lawyers within their own firms, the task force is also considering a statewide disaster assistance program. The statewide program would allow members of the bar to assist each other in the event of a regional disaster that might disrupt the normal practice of law. The program would be sponsored by and coordinated through local and specialty bar associations throughout the state.

This survey is intended to solicit your feedback on whether you believe the members of your bar association would be interested in participating in a statewide disaster assistance program, and if so, what commitments they might be willing to make. Please answer the following questions and feel free to identify any additional features or commitments you think the task force should include in the statewide program.

Do you believe members of your bar association would be interested in participating in a statewide disaster assistance program?

Yes 8 No 0

Do you believe members of your bar association would be willing to make the following commitments to assist other members of the Maryland bar in the event of a disaster:

Provide temporary office space? Yes 8 No 0

Provide temporary staff assistance? Yes 5 No 1 (2-?)

Serve as local counsel for matters pending
in their own jurisdiction? Yes 8 No 0

Volunteer to provide free legal
services/research to assist members
of the bar with their clients? Yes 7 No 0 (1-?)

Volunteer to provide free legal
services/research to assist members
of the public? Yes 7 No 0 (1-?)

In some instances the survey responder did not answer yes or no but placed a question mark (?) next to the question.

EXHIBIT 3

Volunteer to help generally? Yes 8 No 0
If yes, what would be a reasonable
commitment of time for each volunteer? _____ Hours

Assist in locating temporary office space
in your community Yes 7 No 1

Do you believe your members would be interested in participating in an assistance
plan with lawyers from neighboring states?

Yes 7 No 1

Other Program Features or Suggestions:

Would you be willing to distribute a survey with these same questions to your
membership?

Yes 8 No 0

Name: _____
Bar Association: _____
Telephone Number: _____
Email: _____

FOR FURTHER INFORMATION, PLEASE CONTACT:

Stephen J. Nolan, Chair
MSBA Disaster Plan Task Force
Phone: 410-821-8600
Fax: 410-821-8613
Email: steve@sjnolan.com

BAR ASSOCIATIONS RESPONDING TO SURVEY
AND COMMENTS OF EACH

BALTIMORE CITY

Comments: How to seminars; web based volunteer resource data base on MSBA site; partner access (i.e. Lexis free research for volunteer attorneys and displaced attorneys).

BALTIMORE COUNTY

Comments: Participation concentration on substantial modification/commitment of Rules of Professional Responsibility.

CHARLES COUNTY

Comments: None

FREDERICK COUNTY

Comments: None

HARFORD COUNTY

Comments: None

MONTGOMERY COUNTY

Comments: I believe the Task Force could help by sharing plans/check list for disaster planning by size of firm and a list of vendors for data protection and backup. Lawyers are basically caring people and I think most would be happy to volunteer.

PRINCE GEORGE'S COUNTY

Comments: Have each local bar designate a "local bar contact" to work with the MSBA in this effort.

ST. MARY'S COUNTY

Comments: None

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is made this _____ day of _____, 2007,
by and between the Maryland State Bar Association, Inc. ("MSBA") and
_____ ("Local Association"),

Whereas, the threat of natural and man-made disasters and the attendant potential for death, personal injury, property loss and business interruption represent risks to the civil and criminal justice system and to the ability of lawyers to serve the needs of their clients; and

Whereas, the organized bar is uniquely able to provide assistance to members of the bar when disaster strikes and the MSBA desires to coordinate their planning and response efforts should people within the Local Association's service area become victims of a disaster.

NOW, THEREFORE, the parties do hereby memorialize their understanding and intent concerning the matters described below:

1. Definition of Disaster Area. As used herein the term "disaster area" means a geographic area or region of the state declared by federal or state governmental officials to have sustained a natural or other disaster.

2. Disaster Preparedness. The Local Association agrees to designate from time to time a member of its association to serve as a liaison with the MSBA in the event the Local Association's service area is declared a disaster area. Among other duties, the responsibility of the Local Association liaison will be to become familiar with the MSBA's disaster response plan and to coordinate with the MSBA the delivery of assistance within the disaster area following a disaster.

3. MSBA's Coordinating Role. In the Event of a Disaster, to the extent reasonable/practicable, the MSBA will provide assistance to the Local Association following the declaration of a disaster area, including the establishment of a toll-free hotline, the recruitment of volunteers to staff the hotline, the provision of website information to displaced lawyers, and such other assistance as the resources of the MSBA and circumstances may permit.

4. Authority. By executing this Memorandum, each of the signatories below represents that he/she has previously submitted this document to his/her Board of Directors or Board of Governors, as the case may be, and that a majority of the Board has authorized him/her to sign and deliver this document. Nothing contained in this Memorandum of Understanding shall constitute a binding, enforceable agreement.

EXHIBIT 4

DRAFT
1/15/07

WITNESS the signatures of the parties on the day and year first above written.

MARYLAND STATE BAR ASSOCIATION, INC.

By: _____

_____ BAR ASSOCIATION

By: _____

DISASTER PLANNING AND RESPONSE WEBSITES

www.ready.gov

Preparedness Website of the Department of Homeland Security - includes sample Disaster Plan

<http://www.fema.gov/business/guide/index.shtm>

specific FEMA preparedness information for businesses

<http://www.fema.gov>

links to many different resources for specific types of disasters, for families, for kids and for businesses

www.redcross.org

click on "get prepared"

www.911summit.org

has a lot of court-related information

www.prepare.org

site run by Red Cross and other community-based organizations to provide general preparedness information

www.npccny.org

Click on Disaster Planning - disaster planning document for businesses prepared by The Nonprofit Coordinating Committee of New York, Inc.

www.sba.gov/localresources/disasteroffices/disaster_recov/prepared/getready.html

"Seven Ways to Avoid Disaster in Your Disaster Recovery Planning and Procedures"

www.sba.gov/disaster/getready.html

disaster preparedness considerations from the Small Business Administration

www.ncsonline.org

Click on Search Our Site - Enter search for "disaster plan"

<http://www.fldisasterkit.com/>

Florida Business Disaster Survival Kit